IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6897 OF 2007

Gautam Manikchand Gelada .... Petitioner

versus

Manikchand Solanki & anr..... Respondent.

Shri K.A.Chothani for the petitioner.
Shri S.C.Jodhavat for respondent no.1.

CORAM; A.P. DESHPANDE, J.
DATED; 01ST OCTOBER, 2007

P.C.;

1. The present petitioner has purchased the suit property after the decree was passed in favour of the decree holder. The decree was passed for specific performance of an agreement in favour of the decree holder on 9-10-2003 and the present petitioner has purchased the suit property on 20-9-2005. In the execution proceedings the petitioner raised an objection purportedly under section 47 of CPC whereas the decree holder filed an application under Order 21 Rule 97 with a view to remove the obstruction. The trial court has fixed the Darkast proceedings with a view to make an enquiry into the objections. The only contention that is raised in the present petition is that the application moved under Order 21 Rule 97 has not been given a separate number and has not been

registered as is required under the Civil Manual. As the impugned order does not cause any prejudice to the petitioner, non compliance of a provision under the Civil Manual cannot vitiate the order and at any rate no interference with the impugned order is called for in exercise of writ jurisdiction. Hence writ petition is summarily dismissed.

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